

Cosponsor H.R. 6021, the Rehab and Ahmed Amer Foster Care Improvement Act of 2012

Dear Colleague:

Please cosponsor H.R. 6021, the "Rehab and Ahmed Amer Foster Care Improvement Act of 2012." My legislation will enhance the existing federal policy of encouraging state foster care programs to place children in the care of willing and able relatives by requiring States that receive federal funding for foster care programs to add certain procedural enhancements to their programs so as to ensure a fairer placement decision-making process.

In 1985, Rehab and Ahmed Amer lost two of their children to Michigan's foster care system after Rehab had been subject to criminal charges related to the death of her two-year-old son Samier, who died because of head injuries resulting from a fall in a bathtub. Although Rehab had been acquitted in August 1986 of any criminal wrongdoing in connection with Samier's death, the State refused to return the Amers' other two children to them and, in fact, removed a third child from the Amers' custody four months after Rehab's acquittal.

As a temporary alternative, Rehab's brother petitioned to be a foster parent to the Amers' three children, but was denied his petition even though he had previously served as a foster parent for other children. Today, only the oldest of the Amers' three living children, Mohamed Ali, now known as Adam, communicates with them. In reaction to the Amers' story, Michigan enacted what became known as the "Amer Law." The Michigan law requires foster care placement agencies in Michigan to consider and give special preference for relatives when making a foster care placement decision.

While consistent with federal policy that encourages placement of a child with a willing and able relative, the Amer Law also has several provisions that go beyond current federal law to ensure greater due process. In sum, this law gives parents, relatives, guardians, and the child in certain cases additional procedural rights, including the right to written notice and an explanation of a placement decision. In addition, it authorizes judicial review of a placement decision by a foster care agency.

My legislation simply adds these enhanced due process features of the Amer Law to existing federal foster care law. The best interests of the child should always be the overriding consideration when making foster care placement decisions. That standard, however, should usually include requiring foster care agencies to give special preference to placing a child with relatives.

The Rehab and Ahmed Amer Foster Care Improvement Act of 2012 would require that a State, within 90 days after it makes a foster care placement decision, to provide notice of such decision to the following affected parties:

- the child's parents;
- relatives who have informed the State of their interest in caring for the child;
- the guardian;
- the guardian ad litem of the child;
- the attorney for the child;
- the attorney for each parent of the child;
- the prosecutor involved; and
- the child if he or she is able to express an opinion regarding placement.

Additionally, States must establish procedures that:

- allow any of the parties who receive notice of the State's placement decision to request, within five days after receipt of the notice, documentation of the reasons for the State's decision;
- allow the child's attorney to petition the court involved to review the decision; and

- the guardian ad litem of the child;
- the attorney for the child;
- the attorney for each parent of the child;
- the prosecutor involved; and
- the child if he or she is able to express an opinion regarding placement.

Additionally, States must establish procedures that:

- allow any of the parties who receive notice of the State's placement decision to request, within five days after receipt of the notice, documentation of the reasons for the State's decision;
- allow the child's attorney to petition the court involved to review the decision; and
- require the court to commence such review within seven days after receipt of the petition and conduct such review on the record.

My bill is a modest but important measure that will enhance the fairness of the foster care placement process and further promote the federal policy of encouraging the placement of a child with a willing and able relative.

Please contact Mike Darner of my staff at x 5-5126 if you wish to be a cosponsor.

Sincerely,

John Conyers, Jr.

Member of Congress